

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ROBBIE O. MITCHELL,

Plaintiff,

**5:21-cv-856
(GLS/ML)**

v.

LISA TESORIO,

Defendant.

SUMMARY ORDER

Plaintiff *pro se* Robbie O. Mitchell commenced this action on July 29, 2021, alleging that defendant Lisa Tesorio owed Mitchell \$29,095.00 associated with Mitchell's employment at SUNY Upstate Medical University. (Compl., Dkt. No. 1.) Mitchell also moved for summary judgment with his complaint. (Dkt. No. 2.) On August 30, 2021, Magistrate Judge Miroslav Lovric issued an Order and Report-Recommendation (R&R), which recommends dismissal of Mitchell's complaint and denial of his motion for summary judgment. (Dkt. No. 7.)

Mitchell has submitted several objections to the R&R. (Dkt. No. 9.) Each of Mitchell's objections contain inaccurate interpretations of the law and fail to address any of Magistrate Judge Lovric's reasons for

recommending dismissal of the complaint and denial of the motion for summary judgment.¹

Accordingly, Mitchell's objections are general and trigger review for clear error only. *See Almonte v. N.Y. State Div. Of Parole*, No. Civ. 904CV484, 2006 WL 149049, at *5 (N.D.N.Y. Jan. 18, 2006). After careful review for clear error, and finding none, the R&R is adopted in its entirety, the complaint is dismissed, and Mitchell's motion for summary judgment is denied.

Accordingly, it is hereby

ORDERED that the Order and Report-Recommendation (Dkt. No 7) is **ADOPTED** in its entirety; and it is further

ORDERED that Mitchell's complaint (Dkt. No. 1) is **DISMISSED**; and it is further

ORDERED that Mitchell's motion for summary judgment (Dkt. No. 2) is **DENIED**; and it is further

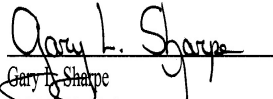
ORDERED that the Clerk close this case; and it is further

¹ "[T]o the extent that [Mitchell] attempts to assert any claims pursuant to 42 U.S.C. § 1983, those claims are barred by the statute of limitations. Moreover, to the extent that Plaintiff attempts to assert a breach of contract claim, I recommend dismissal because the [c]ourt lacks subject matter jurisdiction over such a claim." (Dkt. No. 7 at 8.)

ORDERED that the Clerk provide a copy of this Summary Order to Mitchell in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

December 2, 2021
Albany, New York



Gary L. Sharpe
U.S. District Judge